Criminal Revision No. 751 of 2001
(Old No. 1671/1987)

Hon. Irshad Hussain, J.

None appear for the revisionist. Heard Sri G.S. Sandhu learned A.G.A for the respondent.

This is a criminal revision against the order dated 22.8.1987 passed the then CJM, Almora in criminal cases no. 212 of 1987, whereby the preliminary objection of the revisionist-accused that the prosecution is barred by period of limitation was rejected.

Perusal of the impugned order reveal that the prosecution was not found to be barred by limitation in view of the fact that the offence was committed on 26.4.1984 and due to the proceedings being stayed by the order of the Allahabad High Court the prosecution could not be launched against the revisionist-accused till 15.10.1986 when the stay order was vacated. The complaint was filed on 23.2.1987 after adjusting the period of stay, the complaint was, in fact, within time in as much as the imprisonment which can be awarded for the offence was upto one year of imprisonment. Therefore under the provision of Section 468 of the Criminal Procedure Code the complaint was within time and the finding recorded to this effect by the learned CJM was just and proper. Therefore, the revision is devoid of merit and is dismissed. Stay order dated 11.11.1987 is vacated.

(Irshad Hussain, J.)

Dated 16.12.2003
Rawat